

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

(1) GREAT LAKES INSURANCE SE, )  
Plaintiff, )  
v. ) Case No. CIV-22-702-JD  
)  
(2) FREDY VALLE d/b/a VALLE )  
TRUCKING; )  
(3) SILVER STAR CONSTRUCTION )  
COMPANY, INC.; )  
(4) TYLON MACKEY; )  
(5) ISRAEL JUAREZ; )  
(6) ORD TRUCKING, INC.; )  
(7) ZURICH AMERICAN INS. CO. )  
Defendants. )  
and )  
(8) ZURICH AMERICAN INS. CO., )  
Third-Party Plaintiff, )  
v. )  
(9) BERKSHIRE HATHAWAY )  
HOMESTATE INS. CO., and )  
(10) PROGRESSIVE NORTHERN INS. CO., )  
Third-Party Defendants. )

**PLAINTIFF'S OBJECTIONS TO PROGRESSIVE NORTHERN  
INSURANCE COMPANY'S EXHIBIT LIST**

Plaintiff Great Lakes Insurance SE (“Plaintiff” or “Great Lakes”) hereby objects to Defendant Progressive Northern Insurance Company’s Final Exhibit List [Dkt. #69] for the following reasons asserted herein. Further, as discovery is ongoing and may lead

to additional objections to these exhibits or to the proposed scope of use, Plaintiff respectfully reserves its right to add, modify or supplement its objections to any exhibits herein as part of the Pretrial Order or at trial, as may be appropriate and permitted by the Court.

Ex. #	Exhibit Description	Objection
1	Certified copy of Progressive Northern Insurance Company Policy No. 04019061-2 issued to Fredy N. Valle Sr Valle Trucking with effective dates of 7/12/2019-7/12/2020	No objection
2	Accident Report for Underlying Accident	No objection
3	Certified copy of ZAIC policy No. BAP 9809603-04 issued to Silver Star Construction, effective dates 04/01/19-04/01/20	No objection
4	Petition filed in District Court of Payne County, OK CJ-20-233	No objection
5	Answer of ORD Trucking filed in District Court of Payne County, OK CJ-20-233	No objection
6	Answer of Defendant Israel Juarez filed in District Court of Payne County, OK CJ-20-233	No objection
7	Plaintiff's First Amended Petition filed in District Court of Payne County, OK CJ-20-233	No objection
8	Transcript of Deposition of Israel Juarez	No objection
9	Plaintiff's Second Amended Petition filed in District Court of Payne County, OK	No objection
10	Combined Answer of Israel Juarez to Plaintiff's Petition, Plaintiff's First Amended Petition, and Plaintiff's Second Amended Petition filed in District Court of Payne County, OK CJ-20-233	No objection

Ex. #	Exhibit Description	Objection
11	Defendant ORD Trucking's Answer to Plaintiff's Second Amended Petition filed in District Court of Payne County, OK CJ-20-233	No objection
12	Defendant Silver Star Construction Company's Answer to Plaintiff's Second Amended Petition filed in District Court of Payne County, OK CJ-20-233	No objection
13	Answer of Fredy N. Valle, Sr., d/b/a Valle Trucking to Plaintiff's Second Amended Petition filed in District Court of Payne County, OK CJ-20-233	No objection
14	Defendant Silver Star Construction Company's Answers to Plaintiff's First Set of Interrogatories	FRE 901; not produced and not sufficiently identified; further objections reserved upon proper identification
15	Defendant Silver Star Construction Company's Responses to Plaintiff's First Request for Admission	FRE 901; not produced and not sufficiently identified; further objections reserved upon proper identification
16	Defendant Silver Star Construction Company's Answers to Plaintiff's First Requests for Production	FRE 901; not produced and not sufficiently identified; further objections reserved upon proper identification
17	Defendant Fredy N. Valle, Sr., d/b/a Valle Trucking Responses to Plaintiff's First Set of Discovery Request	FRE 901; not produced and not sufficiently identified; further objections reserved upon proper identification
18	Defendant Silver Star Construction Company's Amended Answer to Plaintiff's Second Amended Petition and Cross-Claims against Defendant Fredy N. Valle, Sr., d/b/a Valle	No objection

Ex. #	Exhibit Description	Objection
	Trucking	
19	Answer of Fredy N. Valle, Sr., d/b/a Valle Trucking to Cross-Claim of Silver Star Construction	No objection
20	Hauling Service Agreement between Valle Trucking and Silver Star Construction Company	No objection
21	Certificate of Liability Insurance, Berkshire Hathaway Homestate Ins. Co. to Fredy N. Valle, Sr. d/b/a Valle Trucking listing Silver Star Construction and its Subsidiaries as an additional insured	FRE 901; not produced and not sufficiently identified; further objections reserved upon proper identification
22	Certified copy of Great Lakes Insurance SE Policy No. GLG022472 issued to Valle Trucking, Inc. with effective dates of 2/11/19 to 2/11/20	No objection
23	Certificate of Liability Insurance, Great Lakes Insurance (SE) to Valle Trucking, LLC listing Silver Star Construction Company and its Subsidiaries as Certificate Holder	No objection
24	Certificate of Liability Insurance, Great Lakes Insurance (SE) to Valle Trucking, LLC listing Silver Star Construction Company and its Subsidiaries as Certificate Holder	No objection
25	Certificate of Liability Insurance, Progressive Northern Insurance Company to Fredy Valle, Valle Trucking listing Silver Star Construction and its Subsidiaries as Certificate Holder	No objection
26	9/27/21 Letter from ZAIC to Fredy Valle demanding Valle Trucking defend and indemnify Silver Star Construction Company	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.

Ex. #	Exhibit Description	Objection
27	11/15/21 Email from J. Chris Horton to <a href="mailto:Valletruck51@yahoo.com">Valletruck51@yahoo.com</a> re: attaching filings from underlying lawsuit and Demand from ZAIC to Valle Trucking	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
28	8/10/21 Plaintiff's Second Amended Petition filed in Payne County Oklahoma CJ-2020-233	No objection
29	5/20/21 Certificate of Service by Mail filed in Payne County Oklahoma CJ-2020-233	lack of foundation or authentication- FRE901; irrelevant- FRE 401; further objections reserved until trial.
30	11/15/21 Letter from ZAIC to Fredy Valle re: demand that Valle Trucking defend and indemnify Silver Star Construction Company	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
31	5/17/22 Letter from ZAIC to Great Lakes Insurance SE demanding Great Lakes to defend and indemnify Silver Star Construction Company	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
32	5/17/22 Letter from ZAIC to Progressive Northern Insurance Company demanding Progressive to defend and indemnify Silver Star Construction Company	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper

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		identification.
33	5/17/22 Letter from ZAIC to Berkshire Hathaway Homestate Ins. Co. demanding Berkshire Hathaway to defend and indemnify Silver Star Construction Company	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
34	5/25/22 Letter from Chris Horton to Jeffrey Curran, counsel for Fredy Valle d/b/a Valle Trucking, re: demand that Valle Trucking defend and indemnify Silver Star Construction Company	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
35	6/20/22 Letter from Berkshire Hathaway to ZAIC re: declining to accept tender	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
36	8/9/22 Letter from International Programs Group to Silver Star Construction Company, Chris Horton, and ZAIC re: Notice of Reservation of Rights	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
37	Correspondence from Progressive to Shelter Insurance dated 2/7/23	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further

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		objections reserved upon proper identification.
38	Correspondence from Silver Star's counsel to Progressive dated 9/19/22	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
39	Correspondence from Progressive to Valle Trucking dated 2/7/23	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
40	Correspondence from Progressive to Valle Trucking dated 2/8/23	hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; further objections reserved upon proper identification.
41	4/4/22 Great Lakes' Notice of Reservation of Rights to Valle Trucking	hearsay – FRE 801-802.
42	5/25/22 Letter from J. Chris Horton to Jeffrey A. Curran re: demand for defense and indemnity of Silver Star in the litigation	hearsay – FRE 801-802.
43	11/15/21 Email from Chris Horton to Valle Trucking's Mr. Monge re: asking him to provide the lawsuit and ZAIC's letter to his insurance company.	hearsay – FRE 801-802.
44	2/8/19 Fax from Wanadaly Cruz, licensed insurance producer, to Great Lakes with Certificate of Insurance listing Berkshire as insurer	hearsay – FRE 801-802; lack of foundation or authentication – FRE

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		901; further objections reserved upon proper identification.
45	9/4/19 Official Oklahoma Traffic Collision Report	No objection
46	8/10/21 Summons to Silver Star with Plaintiff's Second Amended Petition	lack of foundation or authentication-FRE901; irrelevant-FRE 401; further objections reserved until trial.
47	8/8/22 Notice of Reservation of Rights to Silver Star and Chris Horton from International Programs Group	hearsay – FRE 801-802.
48	2/10/22 Email from Kenneth A. Shaw at Richey Ins to <a href="mailto:j.f.thill@jplush.com">j.f.thill@jplush.com</a>	hearsay – FRE 801-802.
49	2/17/22 International Programs Group Letter to Valle Trucking re: reviewing the lawsuit and will advise regarding his request for defense and indemnity.	hearsay – FRE 801-802
50	10/4/21 Letter from ZAIC to Fredy Valle re: demanding defense and indemnity by Valle for Silver Star	hearsay – FRE 801-802
51	2/14/22 Email from John Thill to Terri Singleton re: the application we have shows the contact person as Freddy Napoleon Valle Arana and the phone number 405-501-8005. Includes 2/14/23 email from Terri Singleton to Mr. Shaw re: claim assigned to me for handling. Includes 2/11/22 email from <a href="mailto:j.f.thill@jplush.com">j.f.thill@jplush.com</a> to IPG Claims New Loss Notification,	hearsay – FRE 801-802
52	2/11/22 Email from Jessica Christopher to Samantha Porbeck, IPG Claims New Loss Notification, and Terri Singleton re: Set up as 77889 Includes 2/11/22 email from Samantha Porbeck to IPG Claims New Loss Notification re: Please assign to Terri.	hearsay – FRE 801-802.

Ex. #	Exhibit Description	Objection
53	2/15/22 Email from Terri Singleton to <a href="mailto:newclaims@eandsclaims.com">newclaims@eandsclaims.com</a> re: ZAIC is requesting defense for the lawsuit due to the Hauling Service Agreement.	hearsay – FRE 801-802.
54	7/29/21 Video Deposition of Israel Juarez	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
55	2/15/22-2/16/22 Claim notes of Great Lakes	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
56	All pleadings, motions, and orders filed in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
57	All discovery exchanged in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
58	All discovery exchanged in the instant action	Limited admissibility-FRE 105;lack of foundation or

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		authentication-FRE 901; further objections reserved until trial.
59	Transcripts of all depositions taken in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
60	Transcripts of all depositions taken in the instant action	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
61	Expert reports of all experts identified by any party to this action	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
62	Expert reports of all experts identified by any party in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
63	Expert CVs of all experts identified by any party to this action	Limited admissibility-FRE 105;lack of foundation or

Ex. #	Exhibit Description	Objection
		authentication-FRE 901; further objections reserved until trial.
64	Expert CVs of all experts identified by any party in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
65	Expert invoices for time spent by all experts identified by any party to this action	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
66	Expert invoices for all time spent by all experts identified by any party in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
67	Expert prior testimony history for all experts identified by any party to this action	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
68	Expert prior testimony history for all experts identified by any party in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or

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		authentication-FRE 901; further objections reserved until trial.
69	Expert publications for all experts identified by any party to this action	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
70	Expert publications for all experts identified by any party in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
71	All documents exchanged by Progressive with its Initial Disclosures in this action unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
71	All documents exchanged by Great Lakes with its Initial Disclosures in this action unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
73	All documents exchanged by ZAIC with its Initial Disclosures in this action unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or

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		authentication-FRE 901; further objections reserved until trial.
74	All documents produced in response to Subpoenas in this action	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
75	All documents produced in response to Subpoenas in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
76	All documents exchanged in discovery in Payne County, Oklahoma District Court Case No. CJ-2020-233	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
77	All documents exchanged in discovery in the instant action unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
78	All deposition exhibits of depositions taken in this action unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or

Ex. #	Exhibit Description	Objection
		authentication-FRE 901; further objections reserved until trial.
79	All deposition exhibits of depositions taken in Payne County, Oklahoma District Court Case No. CJ-2020-233 unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
80	All verified discovery responses from this action unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
81	All verified discovery responses in Payne County, Oklahoma District Court Case No. CJ-2020-233 unless otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
82	Plaintiff's Answers to ZAIC's Interrogatories	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
83	Progressive's Answers to ZAIC's Interrogatories	Limited admissibility-FRE 105;lack of foundation or

Ex. #	Exhibit Description	Objection
		authentication-FRE 901; further objections reserved until trial.
84	ZAIC's Answers to Progressive's Interrogatories	Limited admissibility-FRE 105; lack of foundation or authentication-FRE 901; further objections reserved until trial.
85	Plaintiff's Responses to ZAIC's Requests for Production	Limited admissibility-FRE 105; lack of foundation or authentication-FRE 901; further objections reserved until trial.
86	Progressive's Responses to ZAIC's Requests for Production	Limited admissibility-FRE 105; lack of foundation or authentication-FRE 901; further objections reserved until trial.
87	ZAIC's Responses to Progressive's Requests for Production	Limited admissibility-FRE 105; lack of foundation or authentication-FRE 901; further objections reserved until trial.
88	Progressive's Responses to ZAIC's Requests for Admission	Limited admissibility-FRE 105; lack of foundation or

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		authentication-FRE 901; further objections reserved until trial.
89	ZAIC's Responses to Progressive's Requests for Admission	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
90	Exhibits identified in Great Lakes' responses to ZAIC's discovery requests.	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
91	Exhibits identified in Progressive's responses to ZAIC's discovery requests.	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
92	Exhibits identified in ZAIC's responses to Progressive's discovery requests.	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
93	Exhibits identified by ongoing discovery in this action.	Limited admissibility-FRE 105;lack of foundation or

Ex. #	Exhibit Description	Objection
		authentication-FRE 901; further objections reserved until trial.
94	Exhibits identified by ongoing discovery in the underlying action.	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
95	All exhibits listed by Plaintiff in this case not otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
96	All exhibits listed by ZAIC in this case not otherwise objected to by Progressive	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
97	Affidavits or other documents needed for the identification and authentication of records.	Limited admissibility-FRE 105;lack of foundation or authentication-FRE 901; further objections reserved until trial.
98	All materials considered or relied upon by experts in forming their opinions	Limited admissibility-FRE 105;lack of foundation or

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		authentication-FRE 901; further objections reserved until trial.
99	All exhibits necessary for rebuttal or impeachment	Limited admissibility-FRE 105; lack of foundation or authentication-FRE 901; further objections reserved until trial.
100	Any exhibits identified as discovery progresses in this matter	Limited admissibility-FRE 105; lack of foundation or authentication-FRE 901; further objections reserved until trial.

Respectfully submitted,

/s/ Emily E. Allan

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*Attorneys for Defendant*

**CERTIFICATE OF FILING**

I hereby certify that on October 3, 2023 I electronically filed the foregoing Objection to Final Exhibit List the Clerk of the U.S. District Court, Western District of Oklahoma, using the electronic case filing system of the Court.

By: /s/ Emily Allan

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